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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 JESSE ALLEN DAUENHAUER,

11 Defendant.

NO: 1:16-CR-2065-RMP

ORDER DENYING DEFENDANT'S
MOTION TO DISMISS AND
DENYING AS MOOT THE UNITED
STATES' MOTION IN LIMINE

12
13 BEFORE THE COURT are a motion to dismiss, ECF No. 95, filed by
14 Defendant Jesse Allen Dauenhauer, acting *pro se*¹, and a motion in limine
15 regarding self-authenticating documents, ECF No. 75, filed by the United States.

16 The Court heard argument on the motions at a pretrial conference on May 25,

17 _____
18 ¹ Mr. Dauenhauer is represented by counsel. Generally the Court will not entertain
19 motions from a defendant who is acting pro se when defense counsel has appeared.
20 However, because of the nature of Mr. Dauenhauer's argument, the Court
21 considered his motion to dismiss.

ORDER DENYING DEFENDANT'S MOTION TO DISMISS AND
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1 2017. Defendant was present and represented by CJA counsel Michael Lynch,
2 although Defendant argued on his own behalf his motion to dismiss, as he had filed
3 it independent of his attorney. The Government was represented by Assistant
4 United States Attorney Thomas Hanlon. The Court has reviewed all relevant
5 pleadings submitted by the parties, in addition to considering the oral argument
6 presented, and is fully informed. This Order memorializes the Court's oral ruling
7 on Defendant's motion to dismiss, and dismisses as moot the Government's
8 motion in limine based on the representations by the Government at the pretrial
9 conference.

10 ***Defendant's Motion to Dismiss***

11 Defendant sought to dismiss this case on the following bases: (1) he was
12 denied effective assistance of counsel by the first counsel appointed to represent
13 him in this matter, Mr. Hoffman; (2) he was arrested on an unlawful warrant that
14 was never received or returned; (3) the federal magistrate judge who issued the
15 warrant lacked authority to do so; (4) the Court lacks venue because the
16 Constitution requires a trial by judge; (5) Defendant's civil rights may be violated
17 by this prosecution under 28 U.S.C. § 1983; and (6) the prosecution infringes on
18 Defendant's right to bear arms. Defendant's arguments do not withstand scrutiny,
19 and the Court finds that the authority relied on by the Government in opposing
20 Defendant's motion, ECF No. 97, is determinative.

